

EXHIBIT 1

From: Hurst, Annette L.
Sent: Monday, December 07, 2015 8:38 PM
To: Reid P. Mullen
Cc: Christa Anderson; Von der Ahe, Christina; Robert Van Nest; DALVIK-KVN; Oracle/Google-OHS Only
Subject: RE: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Reid:

As I've previously indicated (see below), our ongoing code comparison is expected to be the subject of expert testimony. Expert reports on this subject are due on January 8.

We continue to work with our experts on a complete inventory of what Google copied in versions Gingerbread through Lollipop (API Levels 9 through 22), and if we are able to reduce that to a form amenable to stipulation before service of expert reports, we will certainly endeavor to do so.

Annette

From: Reid P. Mullen [mailto:RMullen@kvn.com]
Sent: Monday, December 7, 2015 1:50 PM
To: Hurst, Annette L. <ahurst@orrick.com>
Cc: Christa Anderson <CAnderson@KVN.com>; Von der Ahe, Christina <cvonderahe@orrick.com>; Robert Van Nest <RVanNest@KVN.com>; DALVIK-KVN <DALVIK-KVN@kvn.com>; Oracle/Google-OHS Only <Oracle/Google@orrick.com>
Subject: RE: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Annette:

I once again write to follow-up on the proposed stipulation regarding new versions of Android. As I mentioned in my previous emails, we would like to file a stipulation with the Court prior to the December 16, 2015 fact discovery cutoff. Please let us know the status of the stipulation. Thank you.

Reid

Reid P. Mullen
Attorney at Law

KEKER & VAN NEST LLP

415 773 6694 direct | [vCard](#) | rmullen@kvn.com
633 Battery Street, San Francisco, CA 94111-1809 | 415 391 5400
main | kvn.com

From: Reid P. Mullen
Sent: Wednesday, November 25, 2015 1:00 PM
To: 'Hurst, Annette L.'
Cc: Christa Anderson; Von der Ahe, Christina; Robert Van Nest; DALVIK-KVN; Oracle/Google-OHS Only
Subject: RE: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Annette:

Can you please let us know where things stand on the proposed stipulation regarding new versions of Android? Oracle has had ample time to review the Android source code. Indeed, the source code is and always has been publicly available. As a courtesy, at your request, Google downloaded that code from the public website and sent it to you on a hard drive two weeks ago. Oracle presumably has reviewed that code, as it has made representations about its contents in court filings and supplemental interrogatory responses. Thus, we believe the parties should be able to reach a mutually agreeable stipulation on this issue now, and we would like to file a stipulation with the Court before the close of fact discovery on December 16, 2015. Thank you.

Reid

From: Hurst, Annette L. [<mailto:ahurst@orrick.com>]

Sent: Friday, November 06, 2015 6:49 PM

To: Reid P. Mullen

Cc: Christa Anderson; Von der Ahe, Christina; Robert Van Nest; DALVIK-KVN; Oracle/Google-OHS Only

Subject: Re: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Reid:

Your language does not work for us in its current form. In order to fashion a counterproposal, we felt it necessary to complete our code comparisons in order to try to frame a very precise stipulation. As you know, we've been trying to get the rest of the code in order to complete that analysis.

Can you give us an update on dates certain for production of Android, Brillo and Weave?

Thanks.

Annette

On Nov 6, 2015, at 4:56 PM, Reid P. Mullen <RMullen@kvn.com> wrote:

Annette & Lisa:

Can you please get back to us on the language we proposed to Oracle's suggested stipulation on new versions of Android? We discussed this on a meet-and-confer call a few weeks ago, and you indicated you would get back to us. Thanks.

Reid

Reid P. Mullen

Attorney at Law

<image002.png>

415 773 6694 direct | vCard | rmullen@kvn.com
633 Battery Street, San Francisco, CA 94111-1809 | 415 391 5400
main | kvn.com

From: Christa Anderson
Sent: Sunday, October 04, 2015 8:56 PM
To: Von der Ahe, Christina; Robert Van Nest; Reid P. Mullen
Cc: DALVIK-KVN; Oracle/Google-OHS Only
Subject: RE: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Hi Christy - Here is our responsive proposed language to that proposed in Oracle's letter previously attached:

Each of the versions of Android developed and/or released since Froyo (including Gingerbread, Honeycomb, Ice Cream Sandwich, Jelly Bean, KitKat, and Lollipop) contains the method headers from Froyo which in turn reflect the structure, sequence and organization for those 37 Java API packages that were the subject of Question 1A on the Phase 1 Special Verdict Form in the first trial in this action.

If this language is acceptable to Oracle, we should fold it into a stipulation with appropriate prefatory language.

Thanks,
Christa

Christa Anderson
Attorney at Law

Keker & Van Nest LLP

415 676 2276 direct | [vCard](#) | canderson@kvn.com
633 Battery Street, San Francisco, CA 94111-1809 | 415 391 5400 main | kvn.com

From: Von der Ahe, Christina [cvonderahe@orrick.com]
Sent: Tuesday, September 15, 2015 4:18 PM
To: Robert Van Nest; Reid P. Mullen
Cc: DALVIK-KVN; Oracle/Google-OHS Only
Subject: RE: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Dear Google Team,

I write to follow up on the attached letter, which requested a response by September 14, 2015. I understand from a discussion I had with Reid that a stipulation along these lines is generally amenable to Google, but that Google intends to propose some technical edits to the language. Please let us know when we can expect to see Google's proposed language.

Best,
Christy Von der Ahe Rayburn

<image006.gif>

CHRISTY VON DER AHE RAYBURN
Senior Associate

ORRICK, HERRINGTON & SUTCLIFFE LLP
2050 MAIN STREET
SUITE 1100
IRVINE, CA 92614-8255
tel 949-852-7741
mobile 650-303-0528
fax 949-567-6710

cvonderahe@orrick.com

[bio](#) | [vcard](#)

www.orrick.com

<http://blogs.orrick.com/trade-secrets-watch/>

From: Von der Ahe, Christina

Sent: Wednesday, September 02, 2015 12:54 PM

To: 'rvannest@kvn.com'

Cc: DALVIK-KVN; Oracle/Google-OHS Only

Subject: Oracle/Google: Bicks letter to Van Nest requesting Stipulation re: New Versions of Android

Dear Mr. Van Nest and Google Team,

Attached please find correspondence from Peter Bicks relating to the Oracle/Google matter.

Best,

Christy Von der Ahe Rayburn

<image007.gif><image008.png>**CHRISTY VON DER AHE RAYBURN**
Senior Associate

ORRICK, HERRINGTON & SUTCLIFFE LLP

2050 Main Street

Suite 1100

Irvine, CA 92614-8255

tel +1-949-852-7741

fax +1-949-567-6710

mob +1-650-303-0528

cvonderahe@orrick.com

[bio](#) • [vcard](#)

www.orrick.com

NOTICE TO RECIPIENT | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

For more information about Orrick, please visit <http://www.orrick.com>.

NOTICE TO RECIPIENT | This e-mail is meant for only the intended recipient of the transmission, and may be a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

For more information about Orrick, please visit <http://www.orrick.com>.



ORRICK, HERRINGTON & SUTCLIFFE LLP
51 WEST 52ND STREET
NEW YORK, NEW YORK 10019-6142
tel +1 212-506-5000
fax +1 212-506-5151
WWW.ORRICK.COM

September 2, 2015

VIA EMAIL

Robert Van Nest
Keker & Van Nest LLP
633 Battery Street
San Francisco, CA 94111-1809
rvannest@kvn.com

Re: *Oracle America, Inc. v. Google Inc.*, Case No. 10-cv-0561
Stipulation re: New Versions of Android

Dear Robert:

As you are aware, Oracle's supplemental complaint, alleging infringement of new versions of Android developed and/or released since the close of discovery before the first trial, has been accepted by the Court. Given Judge Alsup's predisposition toward streamlining the case with stipulated facts, *see, e.g.*, ECF No. 1018 (Phase I Jury Instructions) at ¶¶ 19, 21, 27, and Google's statement in the parties' Joint Status Report that "it will work with Oracle to reach a stipulation, where appropriate, of undisputed facts," ECF No. 1273 at 11, we propose that Google stipulate that the aforementioned new versions of Android also contain the declaring code and structure and organization of the 37 Java API packages as the earlier versions of Android at issue in the first trial. Specifically, Oracle proposes that Google stipulate to the following:

Each of the versions of Android developed and/or released since Froyo (including Gingerbread, Honeycomb, Ice Cream Sandwich, Jelly Bean, KitKat, Lollipop, and Marshmallow) contains the declaring code from the 37 Java API Packages and replicates the structure, sequence, and organization of the 37 Java API packages.

Such a stipulation would be similar to and consistent with Google's stipulation in the first trial: "For the 37 accused API packages, Android and Java 2 SE version 5.0 have substantially the same selection, arrangement, and structure of API elements." Tr. 1137:21-24; *accord* ECF No. 1018 (Phase I Jury Instruction) at ¶ 19 ("Google agrees that the structure, sequence and organization of the 37 accused API packages in Android is substantially the same as the structure, sequence and organization of the corresponding 37 API packages in Java.").

Please advise by September 14, 2015, if Google will so stipulate. If Google will do so, some of the RFAs that Oracle propounded on Google yesterday (such as RFA Nos. 246-252 and 256-262) may be unnecessary.



September 2, 2015

Page 2

Very truly yours,

/s/ Peter Bicks

Peter Bicks